

REMARKS

Claims 1-9 have been previously canceled and no claims have been amended, added or canceled by way of this response. Thus, claims 10-18 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the following remarks.

Response to Rejections Under Section 102:

Claims 10-16 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Eryurek et al. (USPN 2003/0045962).

Applicants claim 10 recites in part:

...**determining a minimum control reserve** of a plurality of control loops of the installation on the basis of the recorded process variables;
determining actions that increase the capacity of the installation ... based on the determined minimum control reserves; and
implementing the actions resulting in an **increase in installation capacity**.

In contrast, Eryurek et al. teaches a control system using a process model for improved close loop control of a paper manufacturing facility and does not teach **determining a minimum control reserve, determining actions that increase the capacity of the installation** based on the determined minimum control reserves; and implementing the actions resulting in an **increase in installation capacity** as recited in claim 10.

Specifically, the process model of Eryurek et al. is merely an analytical model of the paper manufacturing process that improves a reaction time for closed loop control of the manufacturing process. The “process model 70 ... receives a process variable ... input 72 and provides a modeled product output 74 to controller 60.” [para. 0013]. The model of Eryurek et al. is solely directed toward controlling the **quality** of the produced product by facilitating faster control of the process output by **predicting the process output quality** and implementing corrective actions before an unacceptable product is actually produced.

In contrast, Applicants teach that a **minimum control reserve** is the “increase in **capacity** which can be obtained without any further measures” [spec. para. 009]. (emphasis added). Furthermore, a **minimum control reserve** is directed toward a **capacity** of the installation, not a **quality** of the installation.

In the instant Office Action, the Examiner has exchanged the claimed limitation of “capacity” with the term “quality” to force Eryurek et al. to read on Applicants claims. Such hindsight reconstruction of the prior art teaching is impermissible.

In light of the above, Applicants respectfully submit that Eryurek et al. does not teach or suggest **determining a minimum control reserve, determining actions that increase the capacity of the installation** based on the determined minimum control reserves; and implementing the actions resulting in an **increase in installation capacity** as recited in claim 10.

MPEP 2131 requires “TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM.”

As discussed above, claim 10 is not anticipated by Eryurek et al. Furthermore, Claims 11-16 are also patentable at least based on their dependence from claim 10 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 17 and 18 stand rejected under 35 U.S.C § 103(a), claim 17 as being obvious over Eryurek et al. and claim 18 as being obvious over Eryurek et al. in view of Lewis et al. (USPN 5,281,343).

As discussed in connection with the section 102 rejections, Eryurek et al. does not teach the limitations of **determining a minimum control reserve, determining actions that increase the capacity of the installation** based on the determined minimum control reserves; and implementing the actions resulting in an **increase in installation capacity** as recited in base claim 10. Therefore, Eryurek et al. and Eryurek et al. in view of Lewis et al. does not render claims 17 and 18 unpatentable at least based upon their dependence from claim 10. Lewis fails to correct the deficiencies of Eryurek. Applicants respectfully submit that claims 17 and 18 are patentable and respectfully request the Examiner to withdraw the Section 103 rejections.

Serial No. 10/559,866
Atty. Doc. No. 2003P08367WOUS

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Feb. 18, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830